

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YAZMIN GONZALEZ, individually and behalf
of classes of all persons and entities similarly
situated,

Plaintiff,

v.

AMERICAN-AMICABLE LIFE INSURANCE
COMPANY OF TEXAS,

Defendant.

Case No. 1:24-cv-00065-RP

DEFENDANT’S NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant American-Amicable Life Insurance Company of Texas (“American-Amicable”), in further support of its Motion to Dismiss Plaintiff’s First Amended Class Action Complaint (*see* Dkt. 11 & 13, hereinafter, the “Motion”), hereby respectfully submits this Notice of Supplemental Authority to apprise the Court of a recent decision issued by the United States District Court for the Southern District of California—specifically, *Brown v. Nano Hearing Tech Opco, LLC*, No. 3:24-cv-00221-BTM-JLB, 2024 WL 3367536 (S.D. Cal. Jul. 9, 2024) (attached hereto as **Exhibit A**). In this opinion, the court dismissed, pursuant to Fed. R. Civ. P. 12(b)(6), claims brought under the Telephone Consumer Protection Act (“TCPA”) that are substantially similar to those asserted by Plaintiff Yazmin Gonzalez (“Plaintiff”) in this case, and on some of the same grounds as presented in American-Amicable’s Motion, specifically with respect to whether Plaintiff has plausibly alleged facts supporting a direct or vicarious TCPA liability theory or her Article III standing to seek injunctive relief. Therefore, American-Amicable respectfully requests that the Court consider the attached supplemental authority when ruling on the Motion.

Dated: July 17, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on, July 17, 2024, a true and correct copy of the foregoing document was electronically filed with the Court's ECF system to be sent via the electronic notification system to all counsel of record in the above-captioned matter.

/s/ Ryan A. Burgett
Ryan A. Burgett